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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

WRIT PETITION No.12202/92

BETWEEN:

Sri.Karibasappa,  
S/o.Siddaramappa Handigol,  
aged about 34 years,  
At present Basavanilaya,  
behind KSRTC Depot,  
Gadag, Dharwad District. ..PETITIONER

(By Sri S.R.Hegde Hudlamane, Advocate)

AND:

1. State of Karnataka,  
represented by its Secretary II,  
Education Department,  
M.S.Building, Vidhanaveedhi,  
Bangalore.
2. Project Officer,  
Regional Population Education  
Centre and Principal  
University College of Education,  
Dharwad.
3. The Project Co-ordinator,  
IPP III (K), And E/o,  
Additional Secretary to Govt,  
Health and Family Welfare Dept,  
New Building, Anand Rao Circle,  
Bangalore-9. ..RESPONDENTS

(By Smt.Bharathi Nagesh, AGA)

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This Writ Petition is filed under Articles 226 of the Constitution of India praying to quash the order passed by R-1 dt. 26.2.91 vide Annexure-G and to direct the respondents to give alternative employment to the petitioner.

This Writ Petition is coming on for hearing this day, the Court made the following:-

O R D E R


The petitioner is seeking a writ of certiorari quashing impugned order at Annexure-G dated 26.2.1992 and seeking a writ of mandamus directing respondents to give an alternative employment to him in any Department of the Government, has filed this writ petition urging the following contentions.

2. The petitioner was appointed to the post of F.D.C. having found that he was suitable to the said post and continued him in the said post from the date of his employment dated 30.12.1985. From that date till the impugned order of termination was passed, he has continuously worked in the respondents 2 and 3 Organisation. He further submits that persons who are working in the said project viz., Group-D employees have been absorbed in the Health Department of the first respondent. Therefore, he would submit that he is also entitled for the same relief by considering his

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case and to give him an alternative employment in the Health Department of the State Government. Petitioner further submits that himself and his family members were completely depending upon the meagre salary which he was earning in the employment of the second and third respondents. Therefore, he would submit that an appropriate direction may be issued to the respondents to consider his representation and case as has been considered in respect of the employees who were working in the organisation of the respondents 2 and 3.

3. I have perused the petition averments and the impugned order at Annexure-G. As per the Government Order dated 26.2.1992, Education Centres run by the 2nd respondent were closed and the posts were abolished. Therefore, the first respondent passed an impugned order as there was no posts available with the respondent to continue the petitioner in the services. This fact is not controverted by the petitioner. Since the project in which the petitioner was appointed and working has been closed, I do not see any reason to interfere with the impugned order in exercise of power of this Court under Article 226 of the Constitution of India. Hence, no relief can be



granted. However, it is stated at the bar that some of the employees who were working <sup>for M</sup> number of years in the respondents 2 and 3 establishments have been accommodated by providing an alternative employment either in the Health department or in the Education Department. If the petitioner submits representation to the competent authority, the concerned authority may examine the feasibility of considering his representation and his case could be considered sympathetically taking into consideration the length of the service rendered with the respondents and further keeping in view the similarly placed employees who were working along with him were absorbed and regularised their services.

With the above said observations, the writ petition is disposed of as this Court cannot grant the relief sought for by the petitioner.



Sd/-  
JUDGE